IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FOURTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION No: 10216 of 2001

Between:

M/s. Lakshmi Narasimha Rice Mill, Rep. by its Prop: E.Kishan,
Thirumanpalli, Nizamabad District.

..... PETITIONER

AND

1 The Chief Engineer (Commercial), Northern Power Distribution Company of A.P. Limited,
A.P. Transco at Warangal, Warangal District.
2 The Superintending Engineer (Assessments) Northern Power Distribution Company of A.P. Limited,
A.P. Transco at Warangal, Warangal District.
3 The Superintending Engineer (Operation Circle),
A.P. Transco, Nizamabad,
Nizamabad District.
4 The Accounts Officer, E.R.O.,
Rural, A.P. Transco, Nizamabad,
Nizamabad District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ, order or direction, more particularly one in the nature of Writ of Mandamus, declaring the inaction of the 1st respondent herein in not passing any order on the Appeal dt. 30.4.2001 filed by the petitioner herein before the 1st respondent as illegal, null, void and arbitrary, and consequently declare the Proceedings of the 2nd respondent in Order No.SE/A/WGL/C/NZB/TE/F.64/D.No.327/2001, dt. 23.3.2001, as illegal, null, void and arbitrary and against the Rules; and to pass

Counsel for the Petitioner: MR.K.DURGA PRASAD
Counsel for the Respondents: MR.M.SREERAMULU REDDY

The Court made the following:

ORAL ORDER:-

Heard Sri K. Durga Prasad, learned counsel for the petitioner and Sri M. Sreeram Murthy, learned standing counsel appearing on behalf of the respondent-Corporation.

2. The petitioner herein, is principally aggrieved against the inaction on the part of the appellate authority-1st respondent herein, in not passing any orders, in regard to the stay during the pendency of the appeal filed against the orders passed by the 2nd respondent, dated 23.03.2001.

3. Though several contentions are urged across the bar, which go into the merits of the case and touch upon various facets including as to the correctness of the liability as sought to be imposed against the petitioner, the fact remains that the substantive appeal is still pending, on the file of the first respondent where substantial questions were raised, which are to be gone into further after hearing both sides. In view of the same, it is very desirable that the appeal should be disposed of on merits at the earliest.

4. This Court has granted interim direction in WPMP No.12777 of 2001, on 22.05.2001 with certain conditions and the said conditions have already been complied with by the petitioner. In view of the same, the Writ Petition is disposed of directing the 1st respondent to dispose of the appeal, within a period of three months, from the date of receipt of a copy of this order, after giving notice and opportunity to the petitioner. It is needless to mention that the interim stay granted by this Court on 22.05.2001, shall remain in operation till disposal of the appeal.

5. Accordingly, the Writ Petition is disposed of. No costs.

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24.02.2005

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To

1 The Chief Engineer (Commercial), Northern Power Distribution Company of A.P. Limited,
A.P. Transco at Warangal, Warangal District.
2 The Superintending Engineer (Assessments) Northern Power Distribution Company of A.P. Limited,
A.P. Transco at Warangal, Warangal District.
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